

# Exhibit A

A TRUE COPY ATTEST

DS  
DEPUTY SHERIFF  
Middlesex County  
3/11/2022  
3/11/2022  
CIVIL DOCKET NO. 2181CV06451

Commonwealth of Massachusetts

MIDDLESEX,SS.

TRIAL COURT OF THE COMMONWEALTH

SUPERIOR COURT DEPARTMENT

CIVIL DOCKET NO. 2181CV06451

Anthony Romano, PLAINTIFF(S),

v. Harbor Freight

Tools USA, Inc., DEFENDANT(S)



SUMMONS

Harbor Freight Tools

THIS SUMMONS IS DIRECTED TO USA, Inc. (Defendant's name)

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Middlesex Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

- a. Filing your signed original response with the Clerk's Office for Civil Business, Superior Court, 200 Trade Center (address), by mail or in person, AND  
Woburn, MA 01801  
b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: Alan L. Cantor, Esq. 10 Marshall Street, Boston, MA 02108
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at [www.mass.gov/courts/case-legal-res/rules of court](http://www.mass.gov/courts/case-legal-res/rules-of-court).

4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).
5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on \_\_\_\_\_, 20 \_\_\_\_.



\_\_\_\_\_  
Michael A. Sullivan

Clerk-Magistrate

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

#### PROOF OF SERVICE OF PROCESS

I hereby certify that on \_\_\_\_\_, 20 \_\_\_, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20 \_\_\_\_

Signature: \_\_\_\_\_

**N.B. TO PROCESS SERVER:**

**PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.**

\_\_\_\_\_ , 20 \_\_\_\_

<b>CIVIL TRACKING ORDER (STANDING ORDER 1-88)</b>	DOCKET NUMBER <b>2181CV06451</b>	<b>Trial Court of Massachusetts The Superior Court</b>
CASE NAME: <b>Anthony Romano vs. Harbor Freight Tools USA, Inc.</b>		Michael A. Sullivan, Clerk of Court Middlesex County
TO: <b>Alan L Cantor, Esq. Swartz and Swartz PC 10 Marshall St Boston, MA 02108</b>		COURT NAME & ADDRESS Middlesex County Superior Court - Woburn 200 Trade Center Woburn, MA 01801

**TRACKING ORDER - A - Average**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION****DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		03/21/2022	
Response to the complaint filed (also see MRCP 12)		04/19/2022	
All motions under MRCP 12, 19, and 20	04/19/2022	05/19/2022	06/21/2022
All motions under MRCP 15	02/13/2023	03/15/2023	03/15/2023
All discovery requests and depositions served and non-expert depositions completed	12/11/2023		
All motions under MRCP 56	01/09/2024	02/08/2024	
Final pre-trial conference held and/or firm trial date set			06/07/2024
Case shall be resolved and judgment shall issue by			12/19/2024

**The final pre-trial deadline is not the scheduled date of the conference.** You will be notified of that date at a later time.

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to

DATE ISSUED <b>12/20/2021</b>	ASSISTANT CLERK <b>Martha Fulham</b>	PHONE <b>(781)939-2760</b>
----------------------------------	---	-------------------------------

<b>CIVIL ACTION COVER SHEET</b>		DOCKET NUMBER	<b>Trial Court of Massachusetts The Superior Court</b>	
<b>PLAINTIFF(S):</b> Anthony Romano <b>ADDRESS:</b> 113 Ridge Road Middleton, NH 03105		<b>COUNTY</b> Middlesex		
<b>ATTORNEY:</b> Alan L. Cantor <b>ADDRESS:</b> 10 Marshall Street, Boston, MA 02108		<b>DEFENDANT(S):</b> Harbor Freight Tools USA, Inc <b>ADDRESS:</b> 84 State Street, Boston, MA 02109		
<b>BBO:</b> 072360				
<b>TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)</b>				
<b>CODE NO.</b> B05	<b>TYPE OF ACTION (specify)</b> Products Liability	<b>TRACK</b> A	<b>HAS A JURY CLAIM BEEN MADE?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>*If "Other" please describe:</b>				
<b>STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A</b>				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
<b>TORT CLAIMS</b> (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses ..... \$ 3,738.10 2. Total doctor expenses ..... \$ 41,794.97 3. Total chiropractic expenses ..... \$ _____ 4. Total physical therapy expenses ..... \$ _____ 5. Total other expenses (describe below) ..... \$ _____				
<b>Subtotal (A): \$ 45,533.07</b>				
B. Documented lost wages and compensation to date ..... \$ TBD				
C. Documented property damages to date ..... \$ TBD				
D. Reasonably anticipated future medical and hospital expenses ..... \$ TBD				
E. Reasonably anticipated lost wages ..... \$ TBD				
F. Other documented items of damages (describe below) ..... \$ 100,000.00+				
Pain and Suffering				
G. Briefly describe plaintiff's injury, including the nature and extent of injury: Plaintiff suffered serious injuries to his back and shoulder, including a rotator cuff tear requiring surgery, disability and permanent physical limitations.				
<b>TOTAL (A-F): \$ 145,533.07+</b>				
<b>CONTRACT CLAIMS</b> (attach additional sheets as necessary)				
Provide a detailed description of claims(s):				
<b>TOTAL: \$ _____</b>				
<b>Signature of Attorney/Pro Se Plaintiff: X</b> <i>Alan L. Cantor</i> <b>Date: Dec 17, 2021</b>				
<b>RELATED ACTIONS:</b> Please provide the case number, case name, and county of any related actions pending in the Superior Court				
<b>CERTIFICATION PURSUANT TO SJC RULE 1:18</b>				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution				
<b>Signature of Attorney of Record: X</b> <i>Alan L. Cantor</i> <b>Date: Dec 17, 2021</b>				

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT  
CIVIL ACTION NO.:

ANTHONY ROMANO )  
Plaintiff, )  
vs. )  
HARBOR FREIGHT TOOLS USA, )  
INC. )  
Defendants. )

PLAINTIFF CLAIMS  
TRIAL BY JURY

**COMPLAINT AND JURY DEMAND**

**Parties**

1. The Plaintiff, Anthony Romano resides in Middleton, New Hampshire.
2. The Defendant Harbor Freight Tools USA, Inc. is a corporation created under the laws of Delaware, with its principal place of business in Calabasas, California.
3. The Defendant Harbor Freight Tools USA, Inc. is a foreign corporation registered with the Massachusetts Secretary of State with a place of business in Medford, Middlesex County, MA.

**Facts Common to All Counts**

4. Defendant, at all times relevant to this Complaint, was and is in the business of designing, manufacturing, marketing, distributing, and/or selling tools, including Breaker Bars.
5. At some time prior to January 29, 2019, Plaintiff purchased from Defendant's store a Harbor Freight Pittsburgh brand Breaker Bar manufactured, marketed, distributed, and/or sold by defendant.
6. On January 29, 2019, Plaintiff was using said Breaker Bar to tighten bolts on a snow pusher when it fractured causing Plaintiff to be thrown forcibly to the ground.
7. As a result of said failure, the Plaintiff suffered significant injury to his shoulder and back, disability, permanent limitation, significant medical expenses and lost earning capacity, pain and suffering, and loss of enjoyment of quality life.

**COUNT I**

**(Negligence)**

8. Plaintiff reiterates the above allegations and incorporates them herein by reference.
9. Defendant, as the designer, manufacturer, distributor and/or seller of the Breaker Bar, owed Plaintiff and other foreseeable users the duty to design, manufacture, sell and distribute a Breaker Bar in a reasonable manner.
10. Defendant was negligent in the design and/or manufacture of the subject Breaker Bar resulting in its failure. Said negligence includes but is not limited to, failure to use stronger material in the product, failure to utilize a design which would have minimized the possibility of breakage, and utilizing metal which was subject to brittle failure. A suitable alternative design was technologically and practicably available at the time of manufacture.
11. The Plaintiff's injuries and damages, as described above, were a direct and proximate result of the negligence of Defendant, its agents, servants, and/or employees.

**COUNT II**

**(Product Liability-Breaches of Warranty)**

12. Plaintiff reiterates the above allegations and incorporates them herein by reference.
13. Defendant, at all times material to this complaint, was and is a merchant within the meaning of G.L.c 106 §2-101 et seq.
14. In placing the subject Breaker Bar into the stream of commerce, Defendant implicitly warranted that the Breaker Bar was merchantable, free from defect, safe and not unreasonably dangerous to use; and was fit for the foreseeable uses for which it was intended. Massachusetts General Laws c. 106 s. 2-314.
15. As stated above, the subject Breaker Bar was defective and unreasonably dangerous for its expected and foreseeable use. See Paragraph 10.
16. As such, the subject Breaker Bar's design and manufacture were in breach of the warranty of merchantability.
17. Defendant's breaches of said warranty resulted in the Plaintiff's injuries and damages.

**COUNT III**

**(Product Liability-Breach of Warranty of Fitness for Intended use)**

18. Plaintiff realleges the above allegations and incorporates them herein by reference.
19. Defendant warranted that its Breaker Bar was fit for both commercial and home use.
20. Said product was defective and not safe for such use, and as such was in breach of said warranty, in violation of G.L.c 106 §2-315. See Paragraph 10 herein.
21. As a direct and proximate result of this breach of warranty, Plaintiff suffered the injury and damage complained of herein.

**COUNT IV**

**(Product Liability – Breach of Duty to Warn)**

22. Plaintiff realleges the above allegations and reincorporates them herein by reference.
23. Defendant owed a duty to foreseeable users of their product to provide adequate warnings and instructions on the Breaker Bar that it designed, manufactured, distributed, and/or sold.
24. Defendant knew, or in the exercise of appropriate care should have known, that there was a risk that in ordinary use of the subject Breaker Bar that it was subject to failure.
25. Defendant failed to provide reasonable or adequate warnings or instructions to users of the Breaker Bar alerting them to the dangers of use while operating the Breaker Bar.
26. As a direct and proximate result of Defendant's failure to provide proper warnings, the Plaintiff suffered the above-described injuries and damages

WHEREFORE, Plaintiff demands judgment against Defendant, together with interest and costs.

**PLAINTIFFS CLAIM TRIAL BY JURY.**

The Plaintiffs,  
By His Attorneys,

*Alan L. Cantor*

James A. Swartz, Esq.  
BBO# 556920  
Alan L. Cantor, Esq.  
BBO# 072360  
Swartz & Swartz, P.C.  
10 Marshall Street  
Boston, MA 02108  
(617) 742-1900

Dated: December 17, 2021

**MAR 01 2022**



Corporate Creations Network Inc.  
801 US Highway 1 North Palm Beach, FL 33408

Harbor Freight Tools USA, Inc.  
Tammy Stafford Associate General Counsel  
Harbor Freight Tools USA Inc 1263563345  
26677 Agoura Road  
Calabasas CA 91302

03/02/2022

## SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2022-179

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. **IMPORTANT:** All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to [SOPcontact@corporations.com](mailto:SOPcontact@corporations.com). Any changes will become effective upon written confirmation of Corporate Creations.

1.	<b>Entity Served:</b>	Harbor Freight Tools USA, Inc.	
2.	<b>Title of Action:</b>	Anthony Romano vs. Harbor Freight Tools USA, Inc.	
3.	<b>Document(s) Served:</b>	Summons Civil Tracking Order Civil Action Cover Sheet Complaint and Jury Demand	
4.	<b>Court/Agency:</b>	Middlesex County Superior Court	
5.	<b>State Served:</b>	Massachusetts	
6.	<b>Case Number:</b>	2181CV06451	
7.	<b>Case Type:</b>	Negligence/Product Liability	
8.	<b>Method of Service:</b>	Hand Delivered	
9.	<b>Date Received:</b>	Tuesday 03/01/2022	
10.	<b>Date to Client:</b>	Wednesday 03/02/2022	
11.	<b># Days When Answer Due:</b> <b>Answer Due Date:</b>	20 Monday 03/21/2022	<b>CAUTION:</b> Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	<b>Sop Sender:</b> (Name, City, State, and Phone Number)	Alan L Cantor Boston, MA 617-742-1900	
13.	<b>Shipped To Client By:</b>	Email Only with PDF Link	
14.	<b>Tracking Number:</b>		
15.	<b>Handled By:</b>	221	
16.	<b>Notes:</b>	None.	

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.